

Attorneys At Law

Richard W. Toussaint
Rtousaint@tnclaw.com

John D. Coaty
Jcoaty@tnclaw.com

Michael L. Fredregill
Mfredregill@tnclaw.com

April 1, 2014

VIA EMAIL: ikalmanowitz@cornishanddellolio.com

Ian Kalmanowitz
Cornish & Dell'Olio, P.C.
431 North Cascade Avenue, Suite 1
Colorado Springs, CO 80903

Re: Mike Simpson
Our File No. 8541

Dear Ian:

As promised below is the list of charges for the termination hearing on April 11, 2014 regarding your client Michael Simpson.

Michael Simpson has failed to perform the duties of a Fire Chief to the satisfaction of the Board through the following:

- a. **Exhibiting repeated poor professional judgment. Examples include:**
- i) Without Board knowledge or approval, notifying the Park County Communications Center ("Dispatch") that the District would not be responding to medical calls from Monday through Thursday, in violation of the District's mutual aid agreements with SPAD, CCAD and UPRAD, resulting in a lack of confidence by the Board and serious damage to the District's relationships with its mutual aid agencies, upon which the District relies to provide its citizens with appropriate medical care;
 - ii) Failing to take appropriate steps to repair damage caused to the relationships with the District's mutual aid agencies;
 - iii) During a District-wide communications meeting, blaming District volunteers for Simpson's lack of basic radio protocol;
 - iv) Calling the Wildland crew off of a federal fire for unnecessary assistance at a local fire near Lake George.

303.674.0800 Tel

303.674.8492 Fax

www.tnclaw.com

32065 Castle Court

Suite 150

Centerpoint I Building

Evergreen, CO 80439

b. Exhibiting repeated poor communication with co-workers and volunteers, potentially jeopardizing the District's firefighters, medical personnel and patients. Examples include:

- i) On 6/15/13, Mr. Simpson failed to communicate with firefighters on top of a ridge calling for assistance for a safe exit, necessitating that a volunteer hand him the radio to make him respond. This failure of communication resulted in a special District-wide communications meeting in Fairplay;
- ii) On 12/28/13, Mr. Simpson failed to respond to radio calls, requiring several volunteers to call him at home and ask him to turn on his radio and respond when help was needed at a rollover accident.

c. Exhibiting repeated poor judgment related to emergency calls/situations, potentially jeopardizing the safety of District's firefighters, medical personnel and/or patients, or damaging the District. Examples include:

- i) Lack of knowledge of basic response procedures in a simple traffic accident;
- ii) Improperly standing down medical assistance during a single car roll-over accident involving a single family with children without firsthand knowledge of facts at the scene, only to recall such assistance later, resulting in an unnecessary delayed response and an unnecessary tax on dispatch resources;
- iii) Failing to call down ALS assistance from mutual aid organization(s) when it was clear upon his arrival at the scene that such assistance was not needed, resulting in unnecessary, lengthy responses by such organizations;
- iv) Authorizing ambulance MED 92 for service without a spare tire, in violation of the Colorado requirements for ambulance equipment;
- v) Directing the president of the auxiliary, who is not a member of the District and who had no emergency driver training, to drive the ambulance to the scene using lights and siren;
- vi) Directing an individual who was not a member of the District to collect medical and incident information about the patient at an incident involving the transport of a patient to a hospital.

d. Neglecting responsibility to maintain adequate levels of oxygen at the District required for the District's provision of medical services, thereby putting patients at risk and creating liability for the District. Upon questioning by the Board President, it was apparent that Mr. Simpson did not even know how to perform the same.

e. Demonstrating lack of adequate attention to administrative details and basic job requirements. Examples include:

- i) Failure to obtain a Colorado Driver's license until 12/16/13, in violation of SOP 210 and Colorado Law;
- ii) Failure to submit payment of District bills to District Treasurer in a timely fashion;
- iii) Failure to take prompt steps to obtain his Colorado EMT-B, a known job requirement, at the time he was hired, requiring that the Board repeatedly consult with Simpson to obtain the same;
- iv) Failure to inform the board of all citizen comments regarding the chief's performance;
- v) Failing to inventory radios and other communication equipment provided to volunteers. The District has learned upon Mr. Simpson's departure it is missing thousands of dollars of equipment.

f. Failing to follow through with specific requests by the Board or the Board Chair, including:

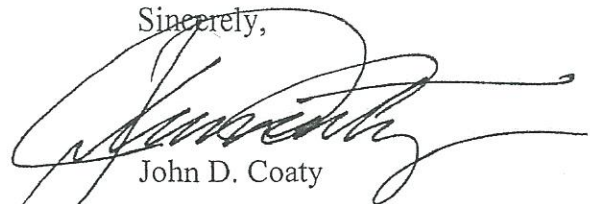
- i) Failing to sign incident reports as requested related to his disrespectful behavior at the December 19, 2013 meeting and his new deadline for obtaining his required Colorado EMT-B license;
- ii) Repeatedly failing to follow up with mutual aid agencies to repair damage on multiple occasions, as directed by Board President in August;

g. Failing to follow recommendations for improvement set forth by the Board, or accept any responsibility for his actions or lack thereof.

h. Failed to complete a grant for training for Keystone conference.

Please contact me if you should have any questions about these issues or any other issues in this matter.

Sincerely,



John D. Coaty

cc: Amy Mason, Chair SPCFPD